GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3678
ANSWERED ON:16.08.2001
RETURN OF CASE FILE TO CLIENTS
RAMJI MANJHI

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether lawyer can not refuse to return the case file(s) to his client(s) on demand;

(b) if so, the action taken against the lawyer if he refuses to return the case file(s) to his clients(s);

(c) the number of such cases have come to the notice of the Government during the last two years and the action taken against them;

(d) the action taken against the accounts writers when they disappear in mid of the year leaving the business community in the lurch;

(e) whether they are bound to return the money which they have taken in the year when the business people had to get rewrite their accounts from someone else; and

(f) if so, the details thereof?

Answer

MINISTER OF LAW, JUSTICE AND COMPNAY AFFAIRS AND SHIPPING (SHRI ARUN JAITELY)

(a) In case a client wants to change lawyer and demands the file back, the lawyer is bound to return the file. As per the recent judgment of the Hon`ble Supreme Court of India, which held that lawyers have no lien on the file forfees which are not paid.Normally,a client should pay the fees before terminating the engagement of the lawyer. Earlier, there was a view that a lawyer had the lien on the file for unpaid fees. In view of the recent judgment of the Hon`ble Supreme Court of India, the lawyer is bound to return the file.

(b) if the lawyer refuses to return the file, the client can initiate action against the lawyer for professional misconduct.

(c) Bar Council of India do not maintain any record in this regard.

(d)to(f) Information is being collected and will be laid on the Table of the House.